

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

COLEMAN FENTON §  
VS. § CIVIL ACTION NO. 1:04cv158  
KENT DICKERSON §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Coleman Fenton, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Kent Dickerson.<sup>1</sup>

The Court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case without prejudice for failure to exhaust administrative remedies.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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<sup>1</sup> Plaintiff also sued Hector Ledezma, R. D. Miles, and the United States of America. The claims against those defendants were dismissed without prejudice on February 3, 2005.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this 8 day of September, 2005.

  
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Ron Clark, United States District Judge